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JERRY L. MALTBY, DISTRICT THREE  
WILLIAM R. WAITE, DISTRICT FOUR  
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September 22, 1999

CALFED Bay – Delta Program  
1416 Ninth Street  
Sacramento, CA 95814

Dear Rick Breitenbach:

Enclosed for your review are Colusa County's comments to the Draft Environmental Impact Statement / Environmental Impact Report, CALFED Bay-Delta Program, June 1999.

Please note that CALFED states that "during refinement and implantation of the ERP (Ecosystem Restoration Program), public accountability and program effectiveness will be assured through continuing public involvement as well as environmental impact analysis and documentation."<sup>1</sup> Based on this statement we request CALFED officials to appear before the Board of Supervisors periodically to:

- Report public accountability to the citizens of Colusa County
- Report on the program effectiveness in a quantitative manner in the County.
- Report on the environmental and social impacts in the County.
- Provide written documentation of CALFED's actions, related costs, and scientific outcomes within the County.

We believe that this is necessary as CALFED has identified specific action plans, which if implemented will affect the long-term economic viability of this county and its citizens. Thank you for your consideration.

Respectfully Submitted,

A handwritten signature in cursive script, reading "Jerry L. Maltby".

Jerry L. Maltby, Chairman  
Colusa County Board of Supervisors

<sup>1</sup> Page 8, Volume II: Ecosystem Restoration Program Plan, Ecological Management Zone Visions, June 1999

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**Colusa County Board of Supervisors**  
**Comments On**  
**Draft Environmental Impact Statement/Environmental Impact Report**  
**CALFED Bay-Delta Program**  
**September 10, 1999**

The Colusa County Board of Supervisors has reviewed the Draft EIS/EIR on the CALFED Bay-Delta Program filed on June 25, 1999. After careful consideration of the over 4,600 page document, the Board has concluded that various elements of the draft report significantly impact the ability of local government to protect the custom and culture of Colusa County.

The County of Colusa will be dramatically influenced by the implementation of the CALFED Bay-Delta Program because of its geographic position and its predominantly agricultural economic base. Colusa County is located seventy miles north of Sacramento in the heart of the Sacramento Valley, and is included within the CALFED Sacramento River and Colusa Basin Ecological Management Zones as identified by the draft report. It is divided by the Sacramento River on the east, and the Tehama-Colusa Canal reach of the Central Valley Project on the west. The Glenn-Colusa Irrigation District overlaps Colusa County, beginning at the northern county line and extending into the southeast section of the county. The Colusa Basin Drain channels run-off from over 1,000,000 acres in Glenn, Colusa, and Yolo counties, and also supplies irrigation water for lands within Colusa County. Water from the Sacramento River system, the Central Valley Project, and groundwater resources are used in agricultural production, environmental enhancement, and municipal services. Within the boundaries of Colusa County are 23,000 acres of state and federal refuges and twenty-one water and reclamation districts. Colusa County's 450,236 acres of farm ground produce rice; fruit and nut crops; vegetable, field, and seed crops; resulting in total production levels ranging in value from \$293,633,000 to \$322,922,000 annually.

The Colusa County Board of Supervisors hereby submits the following remarks based on the shared concerns of local government and Colusa County citizens, who value the unique culture and custom of Colusa County.

**Habitat Restoration**

Local control is paramount to the stability of a county. Through local representative government, citizens have the ability to determine not only their individual role in the community, but also the direction of the community as a whole. While the CALFED

program appears to support local control, further inspection reveals a systematic attempt to overrule local representative government. The entire CALFED process intended to "link human activities to valued outcomes" re-directs the form and function of local government from its historical purpose of meeting human needs to meeting environmental needs. This re-direction is apparent in several elements of the draft report, paving the way for a collision between CALFED and county ordinances and policies. The CALFED vision, in partnership with fifteen state and federal agencies, to successfully "restore and rehabilitate the natural processes that create and maintain the important elements of the ecosystem structure," including the specific definition of ecosystem rehabilitation as "the process by which resource managers re-establish or refurbish key elements of the ecological structure and function," encroaches upon the province of local government. CALFED should not diminish the authority of county government.

The goals of environmental restoration must be realistic and reasonable. However, CALFED habitat restoration proposals continue to evidence a top down approach without attention to local economics, and historical cultural practices. Historical land use, local conditions, and necessary cultural practices associated with productive agriculture must be embodied in the solution principles. Wide scale changes in local practices cannot be based on a series of assumptions or unproved technologies and methods. The draft program report characterizes such intended changes as an "irreversible and irretrievable commitment of resources." The permanent loss of both agricultural lands and water, and the micro management of county resources will adversely impact Colusa County and its citizens, conflict with the proper functioning of local government, and intrude on the rights of citizens for self-determination.

The CALFED draft also persists in its proposal to retire 931,630 acres of productive ag land statewide through purchase, cooperative management, or environmental regulation. There is still no explanation of the term "co-operatively manage" even though this proposal impacts 111,285 acres in the Colusa Basin Ecological Management Zone. Colusa County government and private landowners cannot be expected to support any plan containing terminology with no clearly defined meaning while implying that agencies, and/or environmental interests, will be partners in the management of private property. Drastic reductions in productive acreage represent an assault on the tax base and economic underpinnings of county government. Additionally, such reductions threaten ag related businesses within Colusa County including rice mills, implement dealers, tomato processors, warehouses, and third party interests such as hardware stores, grocery stores, and other retailers.

CALFED also proposes the conversion of ag lands from crop types of low forage value to crops of higher forage value for wintering waterfowl and other wildlife, and further that rice producers defer fall tillage in their fields to increase forage for winter waterfowl. This completely ignores local economics. In the rush to control, CALFED has obviously forgotten that a farm is an economic unit designed to support the families of both farmers and farm workers.

Habitat for species should be concentrated first on public lands. Only after this space is

maximized for habitat and species protection should private lands be considered for species enhancement. The conversion of ag ground to habitat creates conflict with local zoning, and local right to farm ordinances. Neighbors are impacted by predation, the migration of foraging wildlife into producing fields, which reduces crop yields and family income. The resolution of disputes over local zoning issues results in increased cost to local government. CALFED offers no solution other than the vague suggestion of mitigation without outlining a procedure. Will CALFED reimburse neighbors for their losses and local governments for the expense incurred as a result of habitat creation?

Payment in lieu of taxes (PILT) is another issue related to the conversion of ag land through purchase by state and federal agencies. Currently, Colusa County subsidizes 13,000 acres of wetlands in three state and federal refuges because in-lieu taxes remain unpaid. Over \$800,000 is now due, and the amount is certain to increase as federal and state ownership of land expands under the CALFED plan. These unpaid taxes are an unfair financial burden carried by the citizens of Colusa County. Based on this record of payment, no further purchases or conversions of land should take place within the county until full restitution of the PILT is made.

Currently, approximately 17% of all land in Colusa County (see attached charts) is dedicated to wildlife habitat. Any expansion of wetlands, or wildlife habitat without remuneration to the County for the loss of tax base, or PLIT will directly impact the economic stability of Colusa County.

Flood control is another critical local issue that is extremely important to the economic security of Colusa County, and more importantly, to the health and safety of its citizens. CALFED's goal of intervention, manipulation, and micro-management of ecological processes in the area of flood control places county residents in harms way. The set back levees, increased meander zones, and larger flood plains proposed by CALFED will only intensify the hazardous conditions present during flood years. These actions will also jeopardize the structural integrity of bridges, overpasses, surface roads, and the levee system itself. The CALFED plan for set back levees is not only expensive, but it fails to address key questions related to the implementation of such a plan. Is the use of set back levees only a current trend, or is it a scientifically documented and effective means of flood control? When CALFED creates an aneurysm (set back) along the levee system, who pays when it fails? Who mitigates the adjoining landowner for property loss? Who maintains the set backs? Who rebuilds, repairs, and maintains the levees? Will accountability be set in policy, or will the fifteen CALFED agencies play the "blame game", and fail to address the problem? None of these questions are resolved within the program report. Colusa County has experienced the devastation of natural floods with the resulting loss of property, and wildlife, and cannot afford to become the laboratory for an experiment with meander zones and set back levees. It is patently unfair that the citizens of any county become victims of an unproven theory. The Colusa County Board absolutely opposes set back levees and meander zones. Not one life should be sacrificed in the name of habitat restoration.

CALFED restoration programs and policies need to be consistent. One restoration goal of

CALFED is to protect and enhance species communities, and habitats by reducing the impact of non-native species, both aquatic and terrestrial. However, millions of dollars will be funneled into a striped bass species enhancement program in support of a non-native predator. Funding such a project is in direct conflict with CALFED's own policy of reduced impacts, and clearly reduces the effectiveness of projects designed to encourage the recovery of endangered salmon species. It also dilutes the available funding resources for other projects that might lead to the de-listing of the salmon. Such a conflict is questionable when water deliveries within Colusa County are already limited or threatened by the enforcement of the Endangered Species Act, and the welfare of its citizens hangs in the balance.

The Colusa Basin Drain, in part located in Colusa County, is located within the CALFED Colusa Basin Ecological Management Zone. In the draft report, CALFED references thermal impacts from the Drain and suggests the possibility of temperature controls on water leaving the Drain to re-enter the Sacramento River. Temperature controls will require the injection of massive amounts of water into the Drain, or the intermediate action of diversion to a settling pond. Neither alternative is reasonable. The Drain should not be considered as a waterway nor treated as a tributary requiring restoration, as it is man-made and never intended to support fish populations.

Although ERP implementation costs exceed \$1.5 billion, there is a limited source of available funds to support initial restoration actions. Therefore, it is imperative that Stage I Projects demonstrate clear habitat benefits that justify these expenditures. One such expenditure is the screening of agricultural diversions. CALFED must continue to encourage the voluntary screening of agricultural diversions in the Sacramento Valley, and provide funding which supports these efforts.

In the past five years, many Sacramento Valley water users have initiated far-reaching efforts to screen diversions, refurbish fish ladders, construct siphons, remove dams, and implement other habitat improvement projects, to enhance the environment. In the next five years, significant progress towards development of new fish screens will be made by the Tehama-Colusa Canal Authority, Glenn-Colusa Irrigation District, as well as other large, and small diverters throughout the Sacramento Valley. All of the CALFED fishery agencies have acknowledged the importance, and utility of screening. These projects, in addition to keeping water users "whole", will significantly improve the fishery resource, and document real on the ground projects that work.

## **WATER SUPPLY**

A secure long-term water future for all the citizens of California will only be possible through the development of new surface water supply in the form of additional off-stream storage and reservoirs. Short-term environmentally correct fixes will not meet the needs of a population that is projected to increase to 45,000,000 people by the year 2020, an issue not addressed by CALFED. The Colusa County Board strongly supports additional storage facilities both north and south of the Delta, recognizing that storage is the sole

component of CALFED that will meet the demands of an ever-growing population. It is also, in fact, the only benefit to the north state within the entire CALFED plan. Furthermore, the Board will not support a final decision that does not include the immediate and simultaneous construction of off-stream storage in the North State. However, in the current draft, off-stream storage lags behind environmental restoration. Off-stream storage of surface water must be elevated to the same status and receive the same emphasis as other components of the CALFED plan.

The Integrated Storage Investigation (ISI) program, as currently articulated, will not provide the answers sufficiently enough to evaluate the non-structural alternatives such as water efficiency methods, and conjunctive use. Thus, the suggestion that the programmatic EIR/EIS will support storage is only a tactic to placate proponents of storage. Storage must be incorporated into the mix now!

The CALFED plan places storage in a seven-year holding pattern while all other conservation and water efficiency measures are implemented and assessed. This prerequisite ignores the fact that water conservation alone will not keep pace with projected population growth and that diversion of irrigation water to habitat restoration does not save water. Statistics issued in a report by Senator Johannessen's Interim Report of the Senate Select Committee on the CALFED Water Program graphically illustrates that agriculture uses less water than habitat lands (see attached chart on Identifiable Water Use for ERPP). Losses of surface water supply that further impact the CALFED sphere of influence such as the CVPIA, and Trinity River decision must be included in projections of total water availability vs. projected total need. Consequently, it is imperative that construction of off-stream storage areas such as the Sites Reservoir in Colusa County do not lag behind the other components in CALFED. Construction plans and permits must be considered and implemented concurrent with environmental projects to assure adequate and reliable supplies for the future. Off-stream storage is the only effective mitigation for water that will be diverted for environmental purposes, and transferred south of Sacramento.

Financing of structures associated with increased water supply should be spread over the broad base of the population rather than through user fees as the benefits of increased water supply, improved water quality, and ecological restoration are public advantages shared by all California citizens.

Ground water banking and conjunctive use are considered viable options for storing and transferring water. Under these programs surface water is diverted for agriculture, or urban use during wet years which allows the aquifer to recharge. During dry years water is extracted from ground storage to meet these needs while the surface water is transferred.

Conjunctive use and water storage relates directly to water transfers. Currently the size of the Colusa Basin aquifer, and the quantity and quality of groundwater resources in the Sacramento Valley has not been determined. While local efforts are attempting to determine the viability of conjunctive use through 3030 plans, and water ordinances are

being implemented to protect groundwater, large and long term water transfers should not be viewed as the solutions to water deficiencies in other parts of the State.

Water transfers that rely on conjunctive use can adversely affect rural source areas in many ways. Agriculture in the source/supply areas of the transferred water may suffer due to a lowering of the water table and subsidence. Local economies and the social well being of rural citizens may suffer due to changes in income and employment. The rural environment will be severely impacted if the aquifers are overdrafted. Prior to implementation of conjunctive use programs thorough local studies must determine the amount and recharge ability of local aquifers. Any state, or federal conjunctive use programs must comply with local groundwater ordinances.

Water supply dynamics will also be changed by creation of the Environmental Water Account (EWA) as planned by CALFED. While this may appear to be a reasonable way to disperse funds to purchase water and facilities for environmental purposes, history has proven that environmental interests are insatiable. The idea of putting them on an allowance ignores the incremental approach of land acquisition and control over private property and water. While certain allocations to the environment will be made through the EWA, environmental law such as the ESA, or Clean Water Act, will be used to secure additional water to species, and habitat restoration. If the EWA is implemented, a cap on total available water must be identified to assure that all water interests receive fair and equitable water distribution based in water right law. Off stream storage **must** be developed prior to initiating the EWA. In addition, no **permanent** fallowing of ag ground should be done to accomplish this end. CALFED should not rely on Northern California water supplies or facilities, which are already committed to serve farms, families, cities, and habitats in this region to meet environmental demands in the Delta.

### **WATER QUALITY and WATER USE EFFICIENCY**

CALFED's proposals to improve water efficiency and quality will place further stress on an agricultural environment that is already suffering. While the practice of water conservation has reduced pesticide concentration in the Sacramento River, it has also increased field salinity. Northern California is currently exhibiting impacts from salinity increases on land that has been managed under strict conservation methods for the past few years, and elevated salinity levels have been noted in associated groundwater sources as well. Research from the USDA/ARS and the University of California Cooperative Extension has developed evidence that points to salinity as the cause of reduced rice yields in several locations in Glenn and Colusa Counties. The university's research indicates that "rice yields decrease in a linear fashion as the electrical conductivity of the soil increases. The electrical conductivity of the water is an indicator of the salinity hazard and increases in direct proportion to the salt concentration in the water." In addition, the study showed a "rapid decrease in seedling density with relative small increases in salinity." The research also showed that the salinity in the lower basins was substantially higher than the top basins. The issue here is not only understanding cause and effect, but the violation of

the CALFED principle of *no re-directed impacts, or we all get healthy together*. Relying on conservation methods that deteriorate productive northern California ag ground in order to deliver water of improved quality to areas south of Sacramento is not getting healthy together. Soils that are high in salt are also limited in cropping choices. Northern California must not be limited to sugar beets, alfalfa, and cotton.

An improved efficiency program must recognize a baseline level of local water requirements that considers salinity conditions. Costs to implement the improved efficiency measures must be borne by the state and federal government rather than by the farmers.

CALFED's objective to control the Total Daily Maximum Load (TDML) of sediment, pesticides, and herbicides into the Sacramento River places them in partnership with the Environmental Protection Agency and the Clean Water Act. The California State Legislature is also considering legislation that would monitor and control TDMLs. Implementation of TDML control will open the door for discharge permits for the 84,000 farms in California. A permit process would dictate cropping patterns, rangeland activities, and essentially turn every private landowner into a tenant farmer. Further, property encumbered by a permit process will decrease in market value contributing to the continuous erosion of the county tax base.

While the goal of contaminant reduction is beneficial, contaminant studies must be based on sound science not assumptions, and must be evaluated by a peer review panel. Any monitoring programs must be developed locally and managed with the cooperation of local stakeholders to assure that the process is fair and uses sound scientific methodologies. Water quality goals must be realistic and reasonable. The water quality goal of 50-ppb bromide and 3 ppm total organic carbon (TOC) may be too high to achieve over the next seven years. The ability to meet these standards will determine whether or not a peripheral canal will be necessary. It appears that the CALFED standards as expressed in the draft report are setting the stage to develop a rationale for construction of the canal in seven years. What is the scientific basis for setting these standards at this level?

The efficient use of water is obviously laudable; however, it must never undermine Area of Origin or water rights. The efficiency component also includes the possibility of water metering that not only raises questions about water use, but also about on farm cost. The water efficiency component of CALFED is ripe with punitive action that is referred to as incentive based. For instance, water efficiency measures must be adopted before an entity can receive water from the drought water bank, receive new water, or transfer water. The most alarming condition is "...CALFED will evaluate the need for additional state regulations or legislation providing protection for water rights holders who have implemented water use efficiency measures and subsequently transferred water to other beneficial uses." CALFED is trifling with state water law and area of origin.

The goal of CALFED should be to make each region in California self-sufficient in regard



to water supply, and demand. Storage both north, and south of the Delta is essential to balance supplies. In addition, the southern part of the State should invest in desalinization, and water conservation technology that will add to their total availability to meet their future needs rather than look to the northern part of the State to supply ever increasing needs.

## **WATERSHEDS**

CALFED states that demonstration watersheds will serve as laboratories to test assumptions and hypotheses about ecosystems, and the interplay of stressors on the health of the watershed. Colusa County does not want its citizens to be part of an ecological/social experiment. The health and safety of people is at stake. The watershed approach will include all the land that drains into a stream or river. This encompasses not only a huge expanse of land, but families and communities as well.

Prior to moving forward with such CALFED laboratories, all citizens within the watershed need to be aware of the proposed watershed declaration, and be involved from the ground up since implementation will be in their backyard. No new agencies or authorities need to be developed to assist in watershed management. Local county government in conjunction with landowners are the best suited to act as their own watershed steering committees. Agency expertise should be used in an advisory capacity, and only at the request of the local steering committee. This process must not be a top down approach. Agencies and environmentalists without a real understanding of the local land use policies and practices often develop and recommend solutions that are not realistic. Assuring that the process is landowner based will provide realistic solutions to environmental issues.

CALFED is proposing to spend \$63 million on watershed activities in the first 2 years of the program. A portion of this spending should be directed toward watershed projects that provide documented benefits to the environment and water supplies both in the valley counties, such as Colusa, as well as the mountain counties. The Colusa Basin Drain projects in Colusa County are prime examples and need to be funded. Additional funds beyond the \$63 million should be developed to build Sites Reservoir and fish screens within Colusa County.

## **ASSURANCES**

The Colusa County Board of Supervisors calls for the following assurances that will begin to correct the imbalance of the CALFED program while protecting the custom and culture of Colusa County. However, this should not be considered as a complete list of guarantees required by the north state.

- Area of Origin is of key importance to the citizens of the North State. Legally binding assurances regarding Area of Origin must be part of the CALFED document.

- An adequate and reliable water supply with attendant water rights is critical to the ongoing economic and environmental health of rural counties, now and in the future. These water rights and promises must be upheld in the form of legally binding assurances.
- Regulatory provisions associated with CALFED, and all other regulations such as the ESA, and Clean Water Act must be integrated in a reasonable and balanced manner that minimizes the impacts to families, communities, and the economy.
- The "share the pain" ideology whereby priority water rights are ignored or manipulated cannot become policy. Property rights, water right priorities, and Area of Origin protections must be honored.
- Economic impacts must be analyzed in relationship to families and communities in proposed action areas.
- The development and construction of surface water storage must be part of total water availability.
- Off-stream surface water storage plans must proceed simultaneously with environmental and habitat restoration.
- There should be no tax or fee associated with the use or ownership of water. User fees should not be used to finance ecosystem or watershed activities, or new infrastructures.
- Program elements that provide broad public benefits to meet national environmental agendas should be funded by the State or nation as a whole and not fall on the backs of rural citizens alone.
- There must be continuity of policy over the current thirty-year life span of CALFED.
- CALFED must develop and assure safe harbor for habitat and species enhancement.
- The acquisition or conversion of ag land for habitat purposes must not be exempt from the California Environmental Quality Act (CEQA) under the Class 15 Categorical Exemptions section.
- CALFED must not diminish the authority of county government and must conform to local county land use authority powers.
- We must all get better together.

## **RE-DIRECTED IMPACTS**

The Colusa County Board of Supervisors submits the following list of potential impacts to the economic stability of Colusa County and its citizens.

<b>POTENTIAL IMPACTS TO COLUSA COUNTY</b>	
<b>Impacts to Citizens</b>	<b>Impacts to Colusa County</b>
Decreased health and safety	Reduced income
Decreased mobility in times of flood emergency	Increase in social service demands
Degradation of soil through silt and salt deposits	Increased burden of public trust goals
Increased predation	Reduced water supply and availability
Increased taxation	Conversion of county custom and culture
Loss of flood protection	Conflict with adjacent land uses
Loss of jobs	Increase in staff
Loss of land	Conflict with land use policies
Loss of personal property	Conflict with general plans and policies
Loss of self determination	Conflict with Right to Farm Ordinance
Loss of water reliability and availability	Reduced tax base
Loss of weed and disease control in crops	Increase exposure to flooding
Reduced social services	Increased cost of maintenance & operation
Reduced income	Increased infrastructure damage

### **Colusa County Vision for the Future: Year 2030**

In conclusion, just as CALFED has a vision for the Bay-Delta as stated in the introduction to the Phase II Interim Report (March 5, 1998), Colusa County also has a vision for its future.

The Colusa County Board of Supervisors advocates and imagines a future where Colusa County remains a thriving agricultural area with a strong economy that supports communities, businesses, and local government, as well as the extensive wildlife that has historically been an integral part of the county. The unemployment rate is no higher than the state average since abundant employment is available in the farming sector, and in support and service industries. Housing availability is sufficient to meet local needs and the needs of those moving to Colusa County from larger metropolitan areas. Rural fire departments are fully funded by the state, and are recognized for their contribution to the safety of all citizens in California. Community pools and other recreational facilities are available in each community and modern educational facilities are in place to support youth and adult instruction. County libraries are fully funded, staffed, and open during convenient hours to serve the public. The custom and culture of the county continues to reflect a rural agricultural environment, which is in harmony with new retailing opportunities and growth. More of the county's youth are remaining in county

communities as employment and social opportunities multiply. Health needs are met through the local rural hospital, and its satellite divisions throughout the county.

Farmers are recognized for their contribution to the environment and the economic stability of the United States. They are held in high esteem throughout the nation. A limit on acquisition and conversion of agricultural lands has maintained the economic viability of the county while preserving valuable open space for aquatic and terrestrial wildlife. Regulations once thought to help species have been modified to reflect real science. Private property contributions to wildlife are recognized and supported by environmental groups both local and national. Cooperative management of privately owned land, found to be unrealistic, has been replaced by policies that encourage private ownership and recognize the value of private stewardship of wildlife habitat.

The relevant Colusa County departments have completed work on flood control structures, and flooding episodes have been minimized due to levee repair work and improvements in the river by-pass systems. The infrastructure of the county is in full repair, and safety issues of the past are completely rectified. Refuges are paying their full share of in-lieu taxes, recognizing their responsibility to the support and maintenance of county services. Due to the relocation of high tech business to Colusa County, unemployment continues to decline, further reducing social service costs. Rice straw disposal, once a contentious issue, has been laid to rest by vigorous market research and development.

Water is plentiful. The Sites/Colusa Reservoir, owned and operated jointly by Colusa County and local water districts, provides a reliable water supply to citizens, farmers, and refuges in the county. Surplus surface water transfers to Southern California offset the operations and maintenance of the reservoir. All Area of Origin and priority water rights are in place and fully protected, thus guaranteeing the continued health and prosperity of citizens, and the environment.

The return to economic stability and overall health of the county was made possible by the relentless efforts of citizens to influence state and government processes. It is through their efforts that self-determination was manifested into the viable rural quilt that blankets Colusa County.